

For at least these reasons, the Applicant submits that neither Malik nor Sagi disclose the elements of claim 1, nor would it have been obvious to one of ordinary skill in the art to combine the teachings of Malik with the teachings of Sagi to arrive at the claimed invention.

Claim 2

The Applicant also submits that neither Malik nor Sagi, taken alone or in combination, teach the elements of claim 2, wherein a matching portion of capability information is presented to the guest. As Malik and Sagi fail to disclose a guest, they cannot disclose presenting a matching portion of capability information to that guest. For at least this reason, and further in view of its dependency upon claim 1, the Applicant submits that claim 2 is also allowable over the cited art.

Claim 3 & 12

The Applicant further submits that neither Malik nor Sagi teach the element of presenting a default capability information to a guest when at least a portion of the capability information of the guest device does not match the capability information of the subscriber device. Paragraph [0086] of Malik, cited by the Examiner, and Malik in its entirety, does not disclose the use of default information as set forth in claims 3 and 12. For at least this reason, and further in view of the dependency upon claims 2 and 11 (discussed further herein), the Applicant submits that claims 3 and 12 are allowable over the cited art.

Claim 4 and 14

The Applicant also submits that neither Malik nor Sagi teach wherein a guest transmits a message using a portion of capability information that matches. As cited above with regard to claim 1, neither Malik nor Sagi disclose a guest, and are limited only to communication between subscribers. Therefore, for at least this reason and further in view of the dependency of claim 4

and 14 upon claim 1 and 11, the Applicant believes that these claims are allowable over the cited art.

Claim 8

The Applicant submits that neither Malik nor Sagi teach the comparing of capability information between a device used by the subscriber and the stored device capability to determine if the capability information has changed. As stated above with regard to claim 1, Malik fails to disclose the use of “capability information” as described in the claimed invention.

The Examiner cites to paragraph 0072 of Malik as disclosing the method step of “receiving a session connection request from a subscriber,” but this paragraph only discusses providing additional data for a user’s profile, and mentions nothing regarding receiving a request from a user.

The Examiner also states that paragraph 0073 of Malik discloses the method step of “determining capability information of a device used by the subscriber.” However, paragraph 0073 discloses how a user supplies a system with data on a particular device so that the device operates properly with the system (in Malik, the reference is to a pager and the CIR manager). Malik is directed toward transmitting data to make sure the device operates properly with the system, not for determining the capability of the device. Malik does not actually disclose a system that makes any type of determination, as it only discloses how a user sends information to begin operating a device with the system. Additionally, as mentioned above, this data is not equivalent to the “capabilities” of the claimed invention. The claimed invention is not directed toward operating a device with the system, as this is presumed to already have been set up. Instead, the claimed invention is directed to determining the capabilities, or functional features of the device, for comparison with the capabilities of another device. The system is then able to

determine the compatibility of a message between the devices. Malik does not, therefore, disclose the step of determining the capability information of a device.

Finally, the Examiner states that paragraph 0071 of Malik discloses comparing the determined capability information of the devices used by a subscriber to the device capability information already stored in the system. However, paragraph 0071 does not mention the idea of comparing features, let alone the capability information of one device to another. Additionally, as mentioned above, Malik is directed specifically to superficial characteristics of a device, such as the brand or wireless carrier, whereas the claimed invention is directed to the functional capabilities of the device, such as its ability to process specific audio and video codecs.

Therefore, the Applicant submits that neither Malik nor Sagi, taken alone or in combination, teach the elements of claim 8.

Claim 11

The Applicant refers the Examiner to the arguments presented above with regard to claim 1, and submits that as Malik and Sagi fail to disclose a guest, as stated in claim 11, neither Malik nor Sagi can be said to teach the elements of claim 11.

Additionally, Malik makes no reference to a receiving unit coupled with a server, and further does not disclose that the server contains an application, as is claimed in Claim 11. In fact, paragraph [0086] of Malik only discloses the use of a single "CIR manager," but does not label it as a server, and does not discuss any type of receiving unit or application associated with it.

Further, Malik fails to disclose a data storage unit being coupled to a server, as is claimed in the claimed invention. Claim 11 further states that the data storage unit stores the capability information of a device, determines which subscriber a guest wishes to send a message to, and

compares the capability information in the data storage unit with that on the device before transmitting a message. There is no reference in Malik to the idea of a server determining which subscriber a guest wishes to send a message to, as the CIR manager in paragraph 0087 only processes profile information of a device on a call that has already been routed. Malik also fails to disclose, in paragraph 0087 or otherwise, the use of a data storage unit or the idea of comparing the capability information in the data storage unit with that on the device. Instead, paragraph 0087 of Malik is directed to analyzing the superficial characteristics of a device so that a user could receive a message indicating that the person on the other end of a phone call uses the same phone service as they do. This is markedly different than the claimed invention, which attempts to determine if messages being sent are compatible with the capabilities of a user's device.

For at least these reasons, the Applicant submits that neither Malik nor Sagi teach the elements of claim 11. As such, it would not be obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Malik and Sagi and arrive at the invention set forth in claim 11.

Claim 20

With regard to Claim 20, the Applicant refers the Examiner to the arguments presented above with regard to Malik not disclosing the use of a receiving unit that receives a session connection request from a subscriber, not disclosing a receiving unit coupled to a server, and not disclosing a data storage unit that stores and determines capability information of a device used by the subscriber in comparison to the capability information of a previous device.

With regard to Sagi, the Applicant further submits that Sagi also fails to teach wherein the application determines capability information of a device used by a subscriber to connect to

the store and forward messaging system to the capability information stored in the data storage unit regarding the device previously used by the subscriber in order to determine whether capability information has changed. The Examiner cites to col. 4, lines 9-55 of Sagi as teaching a data storage unit that stores capability information, but does not cite to any section of Sagi for teaching the determination of whether the capability information has changed.

Therefore, the Applicant submits that neither Malik nor Sagi, taken alone or in combination, teach the elements of claim 20.

Dependent Claims

As noted above, Malik and Sagi fail to disclose each and every element of Claims 1, 8, 11, and 20. As rejected Claims 2-7, 9-10, and 12-19, and 21-22 depend from these claims, the Applicant submits that these claims are also in condition for allowance as well.

However, with specific regard to the rejections of Claims 5, 7, 10, 15, 17, and 22, the Examiner cites to paragraph 0087 to assert that Malik discloses a particular method step wherein the capability information comprises at least one of the following: a video codec, a rate of video codec, an audio codec, a rate of audio codec, a screen size of the device used by the guest or subscriber, and colors supported by the device used by the guest or subscriber. However, the Applicant was unable to find any reference to capability information of this type in paragraph 0087 or any other section of Malik. In fact, paragraph 0087 of Malik is very specific as to the type of information being transmitted, as it discusses the type of device or service that a user has. In paragraph 0087, Malik provides an example of this information in quotations stating: “The caller is Dale Malik. Same as you, he uses an Acme brand wireless unit and his service provider is Beverly Communication Services.” The information of Malik never rises to the detail or type disclosed in the claimed invention, such as the type of video or audio codec. Therefore, the

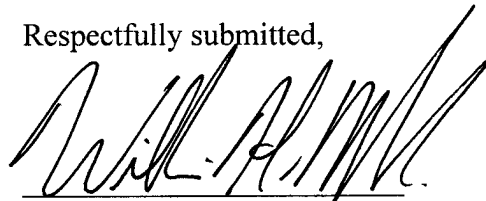
Applicant further believes that Malik fails to disclose each and every element of Claims 5, 7, 10, 15, 17, and 22.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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